

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kolesnikov et al.
Serial No. : 09/806,645
Filed : July 15, 1999
For : **TOPICAL COMPOSITIONS COMPRISING AN OPIOID ANALGESIC
AND AN NMDA ANTAGONIST**

745 Fifth Avenue, New York, New York 10151

EXPRESS MAIL

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Date of Deposit: July 12, 2001

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" Service under 37
CFR 1.10 on the date indicated above and is addressed to: Assistant
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Kristy Mullar-Key
(Signature of person mailing paper or fee)

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 USC §371**

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Dear Sir:

In response to the NOTIFICATION OF MISSING REQUIREMENTS mailed June 14,
2001, enclosed are a Copy of the Notification of Missing Requirements, the U.S. Basic National
Fee of \$710.00, the Declaration of the Inventors, in compliance with 37 CFR §1.497(a) and (b)
and the surcharge for providing the Declaration later than the appropriate 20 or 30 months from
the priority date, \$130.00. Please charge any additional fees to Deposit Account No. 50-0320.

07/19/2001 SNAJARRD 00000032 09806645

01 FC:958
02 FC:154

710.00 OP
130.00 OP

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806645	KOLESNIKOV	Y 830010-2006.
INTERNATIONAL APPLICATION NO.		

SUSAN K LEHNHARDT
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NEW YORK, NY 10151

PCT/US99/16049

DOCKETED

I.A. FILING DATE	PRIORITY DATE
15 JUL 99	16 JUL 98

DATE MAILED:

14 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input checked="" type="checkbox"/> Other: ISA/210, 220, IPEA 401, 402, 408, PETITION FOR REVIVAL OF APPLICATION |
| <input type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |
4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Christine S. Washington

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3752

JUN 16 AM 11:19
FROMMER, LAWRENCE
& HAUG, LLP